

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

RH-TP-06-28,728

In re: 907 6th Street, S.W., Unit 207-C

Ward Six (6)

UNITED DOMINION MANAGEMENT COMPANY
Housing Provider/Appellant

v.

BRIAN HINMAN
Tenant/Appellee

**ORDER ON MOTION TO WITHDRAW PETITION
FOR AWARD OF ATTORNEY'S FEES**

June 15, 2015

SZEGEDY-MASZAK, CHAIRMAN. This case is on appeal to the Rental Housing Commission (Commission) from a final order issued by the Office of Administrative Hearings (OAH) based on a petition filed in the District of Columbia (D.C.) Department of Consumer & Regulatory Affairs (DCRA), Housing Regulation Administration (HRA), Rental Accommodations and Conversions Division (RACD).¹ The applicable provisions of the Rental Housing Act of 1985 (Act), D.C. LAW 6-10, D.C. OFFICIAL CODE §§ 42-3501.01-3509.07 (2001), the D.C. Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE §§ 2-501- 2-510 (2001 Supp. 2008), and the D.C. Municipal Regulations (DCMR), 1 DCMR §§ 2800-2899 (2004), 1 DCMR §§ 2920-2941 (2004), 14 DCMR §§ 3800-4399 (2004) govern these proceedings.

¹ OAH assumed jurisdiction over tenant petitions from RACD pursuant to the OAH Establishment Act, D.C. OFFICIAL CODE § 2-1831.01, -1831.03(b-1)(1) (2001 Supp. 2005). The functions and duties of the RACD were transferred to the Department of Housing and Community Development (DHCD) by the Fiscal Year Budget Support Act of 2007, D.C. Law 17-20, 54 DCR 7052 (September 18, 2007) (codified at D.C. OFFICIAL CODE § 42-3502.03a (2001 Supp. 2008)).

I. PROCEDURAL HISTORY

The procedural history of this case is set forth in the Commission's June 5, 2013 Decision and Order: United Dominion Mgmt. v. Hinman, RH-TP-06-28,728 (RHC June 5, 2013) (Decision and Order). On June 18, 2013, the Tenant/Appellee Brian Hinman (Tenant) filed "Tenant/Appellee's Petition for Award of Attorney's Fees" (Petition for Attorney's Fees) requesting an award of attorney's fees in the amount of \$14,970 for work performed by attorneys Michael Dolan and John Logan before the Commission. Petition for Attorney's Fees at 1-3. On October 24, 2014, the Tenant filed "Tenant/Appellee's Renewed and Amended Petition for Award of Attorney's Fees" (Amended Petition for Attorney's Fees), withdrawing the request of attorney's fees for work performed by attorney John Logan, and renewing the request for \$13,920 in attorney's fees for work performed by attorney Michael Dolan. Amended Petition for Attorney's Fees at 1. On October 30, 2014, the Tenant filed "Addendum to Tenant/Appellee's Renewed and Amended Petition for Award of Attorney's Fees" (Addendum) requesting that the Commission place a hold on the Amended Petition for Attorney's Fees, pending the outcome of a petition for rehearing *en banc* filed with the District of Columbia Court of Appeals (DCCA).

On June 3, 2015, the Tenant filed "Tenant/Appellee's Motion to Withdraw Petition for Award of Attorney's Fees" (Motion to Withdraw Petition for Attorney's Fees).

II. MOTION TO WITHDRAW PETITION FOR ATTORNEY'S FEES

In the Motion to Withdraw Petition for Attorney's Fees, the Tenant states that he and the Housing Provider have entered into an agreement to resolve the pending request for attorney's fees, and that the Housing Provider has consented to the withdrawal of the Petition for Attorney's Fees. Motion to Withdraw Petition for Attorney's Fees at 1.

Administrative tribunals “must be, and are, given discretion in the procedural decisions made in carrying out their statutory mandate.” Johnson v. MPM Mgmt., Inc., RH-TP-09-27,294 (RHC Oct. 1, 2012) (quoting Prime v. D.C. Dep’t of Pub. Works, 955 A.2d 178 (D.C. 2008) and Ammerman v. D.C. Rental Accommod. Comm’n, 375 A.2d 1060, 1063 (D.C. 1977)). The Commission has addressed consent motions for withdrawal in a number of procedural and other contexts. *See, e.g.*, Johnson v. MPM Mgmt., Inc., RH-TP-09-27,294 (RHC Oct. 1, 2012) (interpreting consent motions to dismiss appeal filed by both parties as the equivalent to a stipulation of dismissal under Super. Ct. Civ. R. 41(a)); Blackwell v. Dudley Pro Realty, LLC, RH-TP-07-29,075 (RHC May 28, 2008) (granting motion for withdrawal of appeal on basis of the interest of all parties where all parties agreed to the dismissal of the appeal); United Dominion Mgmt. Co. v. Hinman, RH-TP-06-28,728 (RHC May 2, 2013) (granting consent motion by tenant’s attorney to withdraw as counsel); Williams and Sons, LLC v. Fisher, RH-TP-09-29 452 (RHC Feb. 24, 2012) (granting consent motion to dismiss appeal on grounds of settlement agreement).

Where the Commission’s review of the record reveals that the Tenant has requested withdrawal of his own Petition for Attorney’s Fees, and that the Housing Provider has consented to the withdrawal and did not file any opposition to the Motion to Withdraw Petition for Attorney’s Fees, the Commission, in its discretion, hereby grants the Motion to Withdraw Petition for Attorney’s Fees, and dismisses the Tenant’s Petition for Attorney’s Fees.

III. CONCLUSION

For the reasons stated above, the Tenant's Motion to Withdraw Petition for Attorney's Fees is granted, and the Petition for Attorney's Fees is hereby dismissed.

SO ORDERED



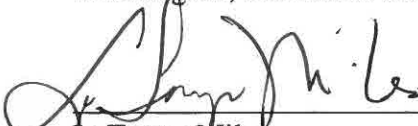
PETER B. SZEGEDY-MASZAR, CHAIRMAN

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **ORDER ON MOTION TO WITHDRAW PETITION FOR ATTORNEY'S FEES** was mailed, postage prepaid, by first class U.S. mail on this **15th day of June, 2015** to:

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